

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [CAO] NO.1707 OF 2017
IN
CIVIL APPLICATION [MCA] ST. NO.20402 OF 2017
IN
FIRST APPEAL NO.399 OF 2011

(Ashok Uttamchand Kotecha [dead])

vs.

The State of Maharashtra, through Collector, Yavatmal and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : P.N. DESHMUKH, J.
DATE : 27th NOVEMBER, 2017.

Heard Shri S.S. Shingne, learned Counsel for the applicant-appellant.

Issue notice to the respondents.

Shri A.M. Balpande, learned A.G.P. waives service of notice for respondent no.1 & 2 and Shri M.A. Kadu, learned Counsel for respondent no.3.

This application is for condonation of 18 days delay caused in filing the application for restoration of appeal, which came to be dismissed by order of this Court for non filing of paper-book within stipulated period of 12 weeks.

For the grounds mentioned in the application and as the delay caused is found satisfactorily explained, the same is, therefore, allowed.

Civil application is disposed of as allowed.

Civil Application [MCA] St. No.20402/2017 :

Heard.

Issue notice to the respondents.

Shri A.M. Balpande, learned A.G.P. waives service of notice for respondent no.1 & 2 and Shri M.A. Kadu, learned Counsel for respondent no.3.

This application is for restoration of appeal, which came to be dismissed in default.

For the grounds mentioned in the application, the same is allowed. First Appeal No.399/2011 be restored on the file of this Court. Appellant to remove office objections by filing private paper-book within four weeks from today.

Civil application is disposed of as allowed.

Civil Application [CAO] No.1708/2017 :

Heard.

Issue notice to the respondents.

Shri A.M. Balpande, learned A.G.P. waives service of notice for respondent no.1 & 2 and Shri M.A. Kadu, learned Counsel for respondent no.3.

This application is for condonation of delay in filing the application for bringing the legal heirs of of deceased Ashok Uttamchand Kotecha on record.

For the grounds mentioned in the application and as the delay is found satisfactorily explained, the same is allowed.

Civil Application [CAF] No.3317/2017 :

Heard.

Issue notice to the respondents.

Shri A.M. Balpande, learned A.G.P. waives service of notice for respondent no.1 & 2 and Shri M.A. Kadu, learned Counsel for respondent no.3.

This application is filed by the legal heirs of deceased Ashok Uttamchand Kotecha, who expired on 02/05/2017. The fact of death of appellant named above is established from the death certificate filed along with the application as Annexure-AI issued by the Municipal Council, Yavatmal.

In the circumstances, application for brining legal heirs of deceased Ashok Uttamchand Kotecha as mentioned in paragraph 4 of the application is allowed.

Applicants to carryout necessary amendment within four weeks from today.

Civil application is disposed of as allowed.

JUDGE

**sdw*